

## Claims

1 (currently amended). A fence, comprising:

a plurality of posts, comprising

a tubular first terminal post at least partially filled with ballast  
and supported by a first anchor substrate;

a tubular second terminal post, spaced from the first terminal  
post, at least partially filled with ballast and supported by  
a second anchor substrate; and

at least one first intermediate post, each first intermediate post  
situated between the first and second terminal posts;

a first rail system supported by the plurality of posts so as to form a  
barrier between each adjacent pair of the plurality of posts, the  
first rail system having a longitudinal internal recess formed  
therein and a first end and an opposed second end; and

a first rail cable assembly comprising:

a first cable having a first end embedded in the ballast within the  
first terminal post and an opposed second end embedded in  
the ballast within the second terminal post, the first cable  
extending within at least a portion of the internal recess of  
the first rail system, and extending substantially vertically  
within each of the first and second terminal posts.

2 (previously amended). The fence of claim 1 in which the first rail cable assembly further comprises:

a first anchor at least partially embedded in the ballast within the first terminal post and attached to the first cable adjacent its first end;  
and

a second anchor at least partially embedded in the ballast within the second terminal post and attached to the first cable adjacent its second end.

3 (currently amended). The fence of claim 1, in which each first intermediate post is characterized as having a first cable passageway extending therethrough; and in which the first cable is further characterized as extending through the first cable passageway of each first intermediate post.

4 (cancelled).

5 (previously amended). The fence of claim 1 in which the first cable extends through the entire first rail system.

6-7 (cancelled).

8 (previously amended). The fence of claim 1 in which the first terminal post is further characterized as having a first anchor slot formed in a lateral portion thereof, the first anchor slot sized to closely but clearly receive the first cable and attached first anchor therethrough, and in which the second terminal post is further characterized as having a second anchor slot formed in a lateral portion thereof, the second anchor slot sized to closely but clearly receive the first cable and attached second anchor therethrough.

9 (previously amended). The fence of claim 1, further comprising:

a second rail system supported by the plurality of posts, the second rail system vertically spaced from the first rail system and having a longitudinal internal recess formed therein and a first end and an opposed second end; and

a second rail cable assembly, comprising:

a second cable having a first end embedded in the ballast within the first terminal post and an opposed second end embedded in the ballast within the second terminal post, the second cable extending within at least a portion of the internal recess of the second rail system.

10 (cancelled).

11 (previously amended). The fence of claim 9 in which each of the first intermediate posts are characterized by vertically spaced first and second cable passageways extending therethrough.

12-13 (cancelled).

14 (currently amended). The fence of claim 9, in which the plurality of posts further comprises:

a tubular third terminal post, situated on the side of the second terminal post opposite the first terminal post and spaced therefrom, the third terminal post at least partially filled with ballast and supported by a third anchor substrate; and

at least one second intermediate post, each second intermediate post situated between the second and third terminal posts; and in which the fence further comprises ~~comprising~~:

a third rail system supported by the second and third terminal posts and the at least one second intermediate post the third rail system aligned with the first rail system and having a longitudinal internal recess formed therein and a first end and an opposed second end; and

a third rail cable assembly, comprising:

a third cable having a first end embedded in the ballast within the second terminal post and an opposed second end embedded in the ballast within the third terminal post, the third cable extending within at least a portion of the internal recess of the third rail system.

15-41 (cancelled).

42 (previously presented). The fence of claim 1, in which the plurality of posts further comprises:

a tubular third terminal post, situated on the side of the second terminal post opposite the first terminal post and spaced therefrom, the third terminal post at least partially filled with ballast and supported by a third anchor substrate; and

at least one second intermediate post, each second intermediate post situated between the second and third terminal posts; and further comprising:

a second rail system supported by the second and third terminal posts and the at least one second intermediate post the second rail system at the same vertical position as the first rail system and having a longitudinal internal recess

formed therein and a first end and an opposed second end;

and

a second rail cable assembly, comprising:

a second cable having a first end embedded in the ballast within the second terminal post and an opposed second end embedded in the ballast within the third terminal post, the third cable extending within at least a portion of the internal recess of the third rail system.

43 (previously presented). The fence of claim 42 formed from a plurality of tubular terminal posts, in which the second and third terminal posts are the closest tubular terminal posts to the first terminal post.

44 (previously presented). The fence of claim 42 in which the first and second rail systems each engage the first terminal post at a position above ground level.

45 (previously presented). The fence of claim 43 in which the first and second rail systems each engage the first terminal post at a position above ground level.

46 (currently amended). The fence of claim 1 in which the first cable enters the first terminal post at an above-ground position, ~~extends on a substantially vertical~~

~~downward path therefrom,~~ and terminates at its first end at an underground position within the first terminal post.

47 (currently amended). The fence of claim 46 in which the first cable enters the second terminal post at an above-ground position, ~~extends on a substantially vertical downward path therefrom,~~ and terminates at its second end at an underground position within the second terminal post.

48 (previously presented). The fence of claim 42 in which the first, second and third terminal posts are disposed in a non-collinear relationship.